

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE DEPARTMENT OF NATURAL RESOURCES

In the Matter of the Appeal of the ATV  
Operation and Civil Citation Issued to  
Kent Devan Knacke

Citation No. 66307

In the Matter of the Appeal of the ATV  
Operation and Civil Citation Issued to  
Kenneth Vannett

Citation No. 66306

**AMENDED NOTICE OF  
PREHEARING CONFERENCE AND  
NOTICE OF HEARING**

**PLEASE BE ADVISED** that a prehearing conference will be held by telephone conference call on November 10, 2005, beginning at 3:00 p.m. and continuing as long as necessary.

These matters have been consolidated. The parties in this matter, Conservation Officer Colleen Adam, Conservation Officer Mike Lawrence, Lt. Phil Meier, and Appellants Kent Devan Knacke and Kenneth Vannett, must call into the conference number 651-284-3547 at the scheduled time. Follow the directions given by the system. When it asks for the meeting number, enter 6876 followed by the “#” sign. If the scheduled date or time is inconvenient, please contact the Administrative Law Judge as soon as possible to request rescheduling.

The purpose of the prehearing conference is to determine the nature of the dispute that caused the appeal, and to determine the best way to resolve it. The telephone call should last about fifteen (15) minutes. If the appeal cannot be resolved during the prehearing conference, the Administrative Law Judge will set a date for a hearing. The Administrative Law Judge will also decide whether the hearing shall be held by telephone or in person.

The civil citation being appealed was issued pursuant to Minn. Stat. § 84.928. Minnesota Statute section 84.775, subd. 1(3), permits a conservation officer to issue a civil citation to a person who operates an all-terrain vehicle in violation of this section. Subdivision 2 of that statute provides that if a person requests a hearing in order to appeal a citation, the hearing shall be held pursuant to procedures set forth in Minn. Stat. § 116.072. That statute provides

an expedited administrative hearing process and refers to Minnesota Rules, parts 1400.8510 to 1400.8612. Those rules will govern the conduct of this appeal. Copies of the statutes and rules may be obtained from the Minnesota Bookstore, 660 Olive Street, St. Paul, Minnesota 55155, telephone 651/297-3000. Statutes and rules may also be found at county law libraries and many other public libraries. The statutes may also be found at [www.revisor.leg.state.mn.us/stats/](http://www.revisor.leg.state.mn.us/stats/). The rules may be found at [www.revisor.leg.state.mn.us/arule/](http://www.revisor.leg.state.mn.us/arule/).

It is not necessary to have an attorney in order to participate in this case. Parties may, however, choose to be represented by legal counsel or any other representative of their choice.

After the hearing, the Administrative Law Judge will issue a recommended decision to the Commissioner of Natural Resources. After at least five days, the Commissioner will issue the final order. During the five-day period, the parties may file comments with the Commissioner regarding the recommended decision.

The Administrative Law Judge and the Commissioner must base their decisions only on factual information that is part of the hearing record. During the hearing, the parties must have available all documents, witnesses, and any other evidence they need to present their position. Subpoenas may be available to compel the attendance of witnesses or production of documents. See Minn. Rules 1400.8601 for the procedures regarding subpoenas.

If Appellants fail to call in to the prehearing conference telephone call or fail to appear at the hearing, the citation will be upheld and the fine will have to be paid within 30 days of the issuance of the Commissioner's final decision, with no further opportunities for administrative appeal.

It is likely that an appeal hearing will cost the taxpayers more than the amount of the fine imposed by the citation. Therefore, appeal hearings should be limited to cases where there is a legitimate, good faith disagreement about the facts or the law. The statute (§ 116.072, subd. 6(d)) provides that if the Administrative Law Judge finds that a hearing was requested solely for purposes of delay or that the hearing request was frivolous, the costs of holding the hearing may be added to the amount of the fine.

Questions concerning settlement of this matter may be directed to the Administrative Law Judge at 612/349-2542 or Patty Holt, Policy/Legal Analyst, Minnesota Department of Natural Resources, 500 Lafayette Road, St. Paul, Minnesota 55155-4047, telephone (651) 296-0657.

Dated this 27th day of October, 2005

s/Kathleen D. Sheehy

---

KATHLEEN D. SHEEHY  
Administrative Law Judge

